

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MCDONALD APIARY, LLC, a Nebraska
Limited Liability Company;

Plaintiff,

vs.

STARRH BEES, INC., a California
Corporation; DALE ASHLEY, ANNE
ASHLEY, AND JONATHAN
GONZALEZ,

Defendants.

8:14CV351

ORDER

After conferring with counsel, and for the reasons stated on the record, (Filing No. 139),

IT IS ORDERED:

A. Plaintiff's objection to Defendants' proposed subpoena of records from the First National Bank of Gordon, (Filing No. 131), is sustained in part and overruled in part as follows:

- 1) Plaintiff's objection to subpoenaing the bank records of Ed and/or Susan McDonald, personally, is sustained.
- 2) As to McDonald Apiary, LLC, the relevant time frame of any records subpoenaed from the bank is limited to August 1, 2014 through June 30, 2015.
- 3) Defendants' proposed subpoena is limited to production of documents, for the relevant time frame, stating:

- a) the date when loan payments were owed by McDonald Apiary LLC;
 - b) the amount owed on those dates;
 - c) the amount of any payment made;
 - d) when the payment was made;
 - e) whether any loan payments were deemed late by the bank;
 - f) the date those late payments were made;
 - g) whether any late fees were assessed and the amount of those fees;
and
 - h) any communications between the bank and McDonald Apiary LLC regarding accelerating a loan or a desire or need to renegotiate McDonald Apiary LLC's loans or their terms because of Plaintiff's inability to timely service the existing loan(s) during the relevant time frame.
- 4) Absent further order of the court, any documents produced by the bank in response to Defendants' subpoena, and any information within those documents, shall be subject to an Attorneys Eyes Only protective order; that is, reviewed by only defense counsel and not communicated or provided to, examined by, or discussed with the defendants.

B. Plaintiff shall fully comply with the court's prior discovery order, (Filing No. 120), by 12:00 p.m. (noon) on July 7, 2016.

July 6, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge